



August 30, 2012

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street S.W.  
Washington, D.C. 20554

Re: Alaska Communications Systems, Notice of *Ex Parte* Communication,  
WC Docket No. 10-90

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Dear Ms. Dortch:

Pursuant to the requirements of Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, Alaska Communications Systems ("ACS") hereby discloses that, on August 29, 2012, the undersigned, together with Karen Brinkmann, of Karen Brinkmann PLLC, outside counsel to ACS, met with Nicholas Degani, Legal Advisor to Commissioner Ajit Pai. The materials attached to this letter were distributed during the meeting.

At the meeting, ACS highlighted the importance of expedited Commission action on the ACS Wireless, Inc. ("ACS Wireless") Petition for Waiver of the July 2, 2012 filing deadline for its annual universal service report required pursuant to Section 54.313 of the Commission's rules, 47 C.F.R. § 54.313.<sup>1</sup> ACS Wireless missed the filing deadline for this new mandatory report by five business days and, as a result, faces a loss of some \$5 million in universal service support for the period January-March 2013. ACS believes that this is an extremely harsh penalty for a minor violation that, if allowed to stand, will ultimately harm Alaska consumers who would have benefitted from new ACS Wireless infrastructure. Further, this penalty would compound universal service funding reductions ACS already expects from other changes to federal support mechanisms.

ACS therefore urged the Commission to grant the requested waiver. Uninterrupted support is critical to ACS Wireless's capital investment and operational plans. ACS Wireless has never before missed a competitive eligible telecommunications carrier ("ETC") filing deadline, and this error came amidst a crush of other regulatory compliance mandates. The July 2012 filing merely duplicated the ACS Wireless report filed with the Regulatory Commission of Alaska ("RCA") in April 2012, and it has been publicly available at the RCA since that time. Further, ACS expects that the RCA will timely certify to the Commission that ACS Wireless is in full compliance with its ETC rules. Granting a waiver on this basis would be fully consistent with Commission precedent.

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<sup>1</sup> The Petition is available at: <http://apps.fcc.gov/ecfs/document/view?id=7021989385>.

In accordance with the Commission's rules, this notice is being filed electronically in the above-referenced docket. Should you have any questions, please contact the undersigned at (202) 230-4962 or [Richard.Cameron@acsalaska.com](mailto:Richard.Cameron@acsalaska.com).

Very truly yours,

A handwritten signature in blue ink that reads "Richard Cameron". The signature is fluid and cursive, with the first name "Richard" and last name "Cameron" clearly distinguishable.

Richard R. Cameron  
Assistant Vice President and Senior Counsel

# WORLD-CLASS TECHNOLOGY, BUILT FOR ALASKA AND BEYOND.

## CONNECT

*Connectivity where you need it, when you need it.*

- Alaska's premier full service provider for wireless, wireline, Internet and advanced data network solutions.
- The Power of Two: Two fiber optic paths to the lower 48 and across Alaska offer redundancy and route diversity.
- Unmatched network security with global standards based MPLS and Metro Ethernet.

## HOST

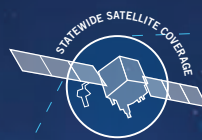
*Data isn't everything. It's the only thing.*

- In and out-of-state Hosted Data Centers support your business continuity and disaster recovery plans.
- Hosting and connectivity, for full, end-to-end data security.
- Ready to grow with you – as your business grows, our service expands with it.

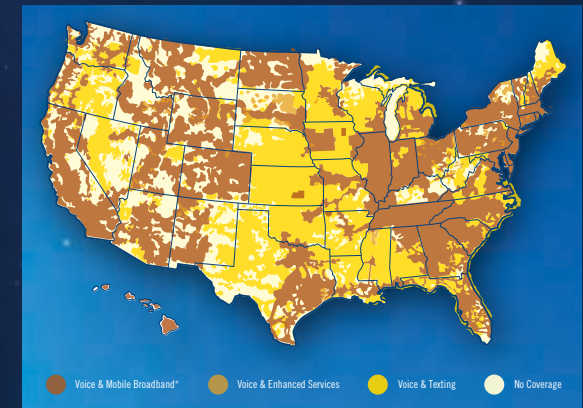
## MANAGE

*World-class capability begins with world-class people.*

- 24/7/365 network monitoring.
- Two geographically diverse Integrated Network Management Centers.
- Personalized service from implementation to expansion.



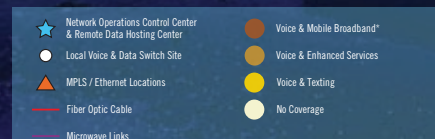
## Nationwide Wireless Coverage



## Alaska Communications Northwest Connection



[www.alaskacommunications.com](http://www.alaskacommunications.com)



Updated on 10/15/10. This map is a geographical representation and coverage shown is approximate. Coverage includes both wired and leased assets. Service may not be available at all times or in all locations. Equipment, configuration, environment or other conditions may adversely affect service. Network coverage includes projected 2010 coverage information.

# Annual ETC Report – Waiver of Filing Deadline

- **ACS Wireless Petition for Waiver of USF Report Filing Deadline**
  - On July 16, 2012, ACS filed a petition for waiver of the July 2, 2012 deadline for filing a new mandatory USF report created by USF/ICC Transformation Order
  - Without a waiver, ACS-W faces a loss of \$5M for 1Q2013 – a harsh penalty for a minor violation
  - This penalty compounds USF reductions ACS expects from other changes to federal support mechanisms
- **Uninterrupted support is critical to ACS-W capital investment and operational plans**
  - Any loss will harm consumers
  - Support is required to meet RCA commitments
  - New procedures are being implemented to help prevent future filing delays
- **Expedited Commission Action is Critical**
  - Requested waiver is *de minimis* – ACS has not missed any other CETC filing deadlines
  - ACS expects the RCA to timely certify ACS-W's ETC compliance
  - Unless resolved by November 2012, ACS will commence implementation of contingency plans assuming the loss of \$5M in January – March 2013

# Annual ETC Report – Waiver of Filing Deadline

- **ACS-W filed the report only five business days late because of an unprecedented convergence of new regulatory mandates**
  - FCC implementation of the new requirement was an evolving process affected by three subsequent Orders/Public Notices; due date changed from April 1 to July 2
  - The FCC ultimately ruled that the 2012 report required only information the ETC collects for state regulators; thus, ACS-W's filing duplicated its April 2012 report to the Regulatory Commission of Alaska
  - The RCA report has been publicly available since that time (April 2012)
  - ACS faced a crush of other regulatory demands in the weeks leading up to and following the July 2 due date:
    - State and Federal Tariff Filings implementing new rate structure
    - FCC Tariff Suspension filing
    - Implementing new Lifeline rules, including recertification of entire subscriber base
    - Multiple sets of comments on ongoing implementation of USF Reform, including CAF Phase II and Contribution Reform
- **The FCC has granted many similar waivers without controversy**